

### **Objection to the Drawings**

The drawings are objected to under 37 CFR 1.84 (i) and (p) as being informal. The lines, numbers and letters lack uniformity and are fuzzy lacking sharp definition. No new matter should be entered.

Replacement drawings are required. The objection to the drawings will not be held in abeyance.

### **Rejections based on Prior Art**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Ganz et al (US 7,107,996).

Note Figure 7 illustrating a light irradiation device with an electroluminescence element. See column 8, lines 65 and 66.

Claims 1-6 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Zelickson et al (US 2005/0080465).

Zelickson et al discloses in Figure 3 a dental tray 30 for applying a tooth whitening substance to a patient's mouth and having a layer of light emitting material 32 (note paragraphs [0056] – [0061]). Paragraphs [0006] and [0129] indicate that the light emitting material may be comprised of an electroluminescent material.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zelickson et al (US 2005/0080465) in view of Shenderova et al (US 6,866,678), Sato et al (US 5,247,226) and Harkonen et al (US 5,314,759)

In regard to claim 1, to the extent that Zelickson et al does not explicitly state that the light emitting material 32 of the Figure 3 device described in paragraphs [0056] – [0061] is a layer of electroluminescent material, then one of ordinary skill in the art would have found the selection of such a material obvious in view of paragraphs [0006] and [0129] of Zelickson et al which suggest electroluminescent material as suitable light emitting material and particularly obvious in view of Shenderova et al (Figure 1), Sato et

al (Figure 1) and Harkonen et al (Figure 1) who teach that electroluminescent materials are conventionally applied in layers to make light emitting devices. In regard to claim 9, the prior art references all collectively teach the conventional use of a glass substrate upon which the electroluminescence material is deposited Shenderova et al (column 9, lines 52-59), Sato et al (column 2, line 46) and Harkonen et al (column 3, lines 23-38). To have merely formed the light emitting material 32 of the Zelickson et al invention in a conventional manner as evidenced in the prior art would have been obvious to one of ordinary skill in the art.

#### **Prior Art**

Applicant's information disclosure statement of March 29, 2007 has been considered and an initialed copy enclosed herewith.

Applicant's attention is directed to the attached citation of references by the examiner.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3732

Any inquiry concerning this communication should be directed to **Ralph Lewis** at telephone number **(571) 272-4712**. Fax (571) 273-8300. The examiner works a compressed work schedule and is unavailable every other Friday. The examiner's supervisor, Cris Rodriguez, can be reached at (571) 272-4964.

R.Lewis  
June 13, 2008

/Ralph A. Lewis/

Primary Examiner, Art Unit 3732